

**REMARKS**

**Allowable Subject Matter:**

Applicant thanks the Examiner for indicating that although claims 6 and 7 have been objected to, these claims would be allowable if written in independent form.

**Claim Amendments:**

Applicant has amended the claims as shown in the previous section to clarify the claimed invention. Further, Applicant submits that the scope of the claims have not been narrowed.

**Claim Rejections:**

Claims 1-7 are all of the claims pending in the present application and currently claims 1-5 stand rejected.

***35 U.S.C. § 102(e) Rejection - Claims 1-5:***

Claims 1-5 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,819,870 to Ge et al. (assigned to Alcatel). In view of the following discussion, Applicant respectfully traverses the above rejection.

Ge discloses a photonic switching device which includes a switching matrix 120 having a plurality of both input and output ports. See Figure 1. Further, the system contains optical buffers 135 which are external to the matrix 120.

In rejecting the claims, the Examiner has alleged (1) optical buffers 135 are the “external unit” of the claimed invention, and that (2) the switches 130 correspond to the space switching stage of the claimed invention.

Applicant disagrees with the Examiner on both counts.

First, claim 1 requires that the unit external to the space switching matrix include a buffer memory common to “all” of the output ports of the matrix. This is disclosed in Ge. Specifically, Ge teaches having a plurality of optical buffers 135, such that not all of the output ports can be connected to a single buffer.

As shown in Figure 1, of the present application, all of the output ports can be connected to the buffer memory 4. This does not appear to be disclosed in Ge, as there is no common buffer memory that can be connected to all of the output ports. Therefore, Ge fails to disclose each and every feature of the claimed invention.

Second, claim 1 also indicates that the output ports provide access to the common buffer memory through a space switching stage which contains switches having a 1-to-2 switching function. Applicant submits that not only does Ge fail to disclose the common buffer memory, but also a space switching stage containing 1-to-2 switches.

In rejecting the claims, the Examiner alleges that the switch 130 corresponds to the claimed switching stage, set forth in claim 1. However, Applicant submits that this characterization is incorrect. Namely, there is no disclosure, in Ge, of 1-to-2 switches being used as the switch 130. Specifically, Ge indicates that the switches 130 are on/off switches (i.e. optical gates). See col. 10, lines 6-9. However, this is different from the claimed “1-to-2 switch, which has the function capability of selectively coupling its input port to either of a first or second output port. Applicant notes that a simple on/off switch (i.e. the switches 130) are incapable of performing this function.

It is for at least these reasons that Ge fails to anticipate the claimed invention.

In view of the foregoing, Applicant submits that Ge fails to disclose each and every feature of the claimed invention. Therefore, Applicant submits that Ge fails to anticipate the claimed invention, as required under the provisions of 35 U.S.C. § 102(e). Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the above 35 U.S.C. § 102(e) rejection of claims 105.

**Common Assignee:**

Finally, Applicant notes that the Ge reference is prior art only under the provisions of 35 U.S.C. § 102(e), and was assigned to (or under an obligation of assignment) the assignee of the present application at the time the present invention was made. Therefore, under the provisions of 35 U.S.C. § 103(c), the Ge reference may not be used in a 35 U.S.C. § 103(a) obviousness-rejection,

**Conclusion:**

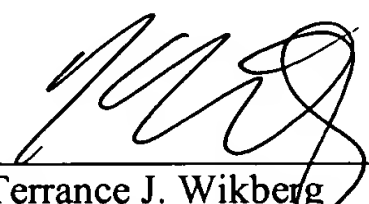
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. §1.111  
Application Number: 09/987,245

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
Terrance J. Wikberg  
Registration No. 47,177

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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